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MAIL STOP PCT
Attorney Docket 8048-1148
PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Kazuo KURODA

Application No. 10/572,941

MAIL STOP PCT

Attn: Office of PCT Legal Administration

Filed March 22, 2006

INFORMATION RECORDING APPARATUS, AND INFORMATION RECORDING /
REPRODUCING APPARATUS

**RESPONSE TO DECISION ON PETITION
UNDER USC §37 CFR 1.181**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 18, 2007

Sir:

Applicant respectfully requests reconsideration of the Petition filed December 19, 2006. The Petition noted that the correct 35 USC 371 date should be March 22, 2006, the date the executed declaration was filed, and requested formal acknowledgement of such.

The Decision on Petition mailed May 25, 2007, not only refuses to adjust the 35 USC 371 date, but moreover states that the declaration on file is not acceptable in any event. The Decision on Petition states that the line across the information of the second signature box constitutes an alteration made after execution of the oath or declaration. The Decision further

states that a proper response must indicate the correct spelling of the second named joint inventor.

As to the issue of the 'second inventor,' Applicant respectfully notes that the data that appears in the declaration with respect to a second inventor is superfluous *in toto*. The present application has a single inventor, and the required information, including signature, for that single inventor appears in the declaration of record.

Moreover, the fact that that Kazuo KURODA is the sole inventor in this application is evident from the fact that Mr. KURODA is identified as the sole inventor in the international application (PCT/JP04/013737) of which the present application is the U.S. national stage. As stated in 37 CFR 1.48(a)(4):

(4)The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

Accordingly, the declaration as originally filed correctly names the sole inventor, the same sole inventor named in the corresponding international application.

The law firm of Young & Thompson received the declaration from the Assignee with the signature and data block for a second inventor stricken through in pencil. The undersigned has no reason to believe that such strike-through took place after execution by the sole inventor, Kazuo KURODA. Rather, Applicant suggests that inventor KURODA's signature acknowledges not only the declaration language, but also the strike through of the address information for the non-existent second inventor.

It is also unclear to the Applicant why the strike through is assumed to have taken place after execution by inventor KURODA, whereas the remainder of the markings that are not part of the pre-printed document (printed name, residence, citizenship, date, and post office address) are assumed to have been inserted prior to execution. Applicant respectfully suggests that in the absence of an inherent inconsistency (such as the presence of an application serial number on a declaration whose date of execution falls prior to the existence of such serial number) or other evidence, the declaration should be assumed not to have been altered after execution.

Accordingly, Applicant respectfully requests that the executed declaration as originally filed be accepted, and that the present application be accorded a 35 USC 371 filing date of March 22, 2006.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, appearing to read "Eric Jensen".

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